

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

|  |   |                                       |
|--|---|---------------------------------------|
| <b>SKYMONT FARMS; DUSTY WANAMAKER;</b> | ) |                                       |
| <b>ANTHONY WANAMAKER; AND</b>          | ) |                                       |
| <b>CATRENIA WANAMAKER,</b>             | ) |                                       |
|  | ) |                                       |
| <b>PLAINTIFFS</b>                      | ) | <b>CIVIL ACTION NO. 4:09-CV-00077</b> |
|  | ) |                                       |
| <b>VS.</b>                             | ) | <b>JURY TRIAL DEMANDED</b>            |
|  | ) |                                       |
| <b>SUZANNE NORTH, INDIVIDUALLY;</b>    | ) | <b>MATTICE/LEE</b>                    |
| <b>CINDY ANDERSON, INDIVIDUALLY;</b>   | ) |                                       |
| <b>RICHARD MACKIE, INDIVIDUALLY;</b>   | ) |                                       |
| <b>SUZANNE NORTH DBA SUMMITVILLE</b>   | ) |                                       |
| <b>CROP INSURANCE AGENCY; CINDY</b>    | ) |                                       |
| <b>ANDERSON DBA SUMMITVILLE CROP</b>   | ) |                                       |
| <b>INSURANCE AGENCY; RICHARD</b>       | ) |                                       |
| <b>MACKIE DBA SUMMITVILLE CROP</b>     | ) |                                       |
| <b>INSURANCE AGENCY; AND</b>           | ) |                                       |
| <b>SUMMITVILLE CROP INSURANCE</b>      | ) |                                       |
| <b>AGENCY,</b>                         | ) |                                       |
|  | ) |                                       |
| <b>DEFENDANTS</b>                      | ) |                                       |

\* \* \* \* \*

**PLAINTIFFS' RULE 26(a)(1) DISCLOSURES**

\* \* \* \* \*

Come the Plaintiffs, Skymont Farms, Dusty Wanamaker, Anthony Wanamaker and Catrenia Wanamaker, by and through counsel, pursuant to the Scheduling Order entered herein on October 6, 2009 and hereby make their Initial Disclosures, pursuant to Rule 26(a)(1), as follows:

A. Individuals Likely To Have Discoverable Information:

1. Plaintiff Dusty Wanamaker
2. Plaintiff Anthony Wanamaker
3. Plaintiff Catrenia Wanamaker
4. Defendant Cindy Anderson
5. Defendant Suzanne North
6. Defendant Richard Mackie
7. E. Heyward Baker, Director, USDA/RMA/Risk Management Services  
Division, 1400 Independence Avenue, SW, Washington, D.C. 20250-0803.
8. Douglas L. Airhart, PhD, 927 Reeves Road, Monterey, Tennessee 38574;  
phone (931) 372-3288 - I.S.A. Certified Arborist #S0-1432A - provided  
evaluation of Plaintiffs' damages from hail storm.
9. Mark Halcomb, University of Tennessee Extension Area Nursery Specialist,  
201 Locust Street, Suite 10, McMinnville, Tennessee 37110; phone (931)  
473-8484 - provided evaluation of Plaintiffs' damage from hail storm.
10. Bryson L. James, PhD, Consulting Horticulturist, 2120 Red Road,  
McMinnville, Tennessee 37111; phone (931) 668-9880.
11. Ronnie Via - observed the damages to Plaintiffs' farm and crops following hail  
storm - address and phone number unknown at this time.
12. Ronnie Mathis - observed the damages to Plaintiffs' farm and crops following

hail storm - address and phone number unknown at this time.

13. Phillip Kail - observed the damages to Plaintiffs' farm and crops following hail storm - address and phone number unknown at this time.
14. Keith Biggs - observed the damages to Plaintiffs' farm and crops following hail storm - address and phone number unknown at this time.
15. David Leath - observed the damages to Plaintiffs' farm and crops following hail storm - address and phone number unknown at this time.
16. Michael Gregory - observed the damages to Plaintiffs' farm and crops following hail storm - address and phone number unknown at this time.
17. Rob Young, Regional Claims Manager for NAU Country Insurance Company - specific office address and phone number unknown at this time.
18. Kenneth Massey, Claims Supervisor/Adjustor for NAU Country Insurance Company - specific office address and phone number unknown at this time.
19. Mitchell Crouther, Senior Risk Management Specialist for NAU Country Insurance Company - specific office address and phone number unknown at this time.
20. Jerry Carter - observed the damages to Plaintiffs' farm and crops following hail storm - address and phone number unknown at this time.
21. Garret Armistead - observed the damages to Plaintiffs' farm and crops following hail storm - address and phone number unknown at this time.
22. Travis Johnson, Risk Management Specialist for NAU Country Insurance

Company - specific office address and phone number unknown at this time.

23. Charles Curtiss, Tennessee State Representative.
24. James Eisler, Plant Inspector and Middle Tennessee Plant Certification Supervisor with Tennessee State Department of Agriculture, Post Office Box 715, McMinnville, Tennessee 37111.
25. Mike Mossman, NAU Country Insurance Company, National Claims Manager, Post Office Box 269, Eau Claire, WI 54702.
26. Rock W. Davis, Director and Agency Decision Maker, USDA, Risk Management Agency, 803 Liberty Road, Flowood, Mississippi 39232
27. Jeffrey Lawson, Post Office Box 473, Morrison, Tennessee 37357; phone (931) 939-2240 - Farm Inspector and Insurance Claim Adjustor.
28. Rob Young, Regional Claims Manager, NAU Country Insurance Company/Lexington Regional Office, 1092 Duval Street, Suite 210, Lexington, Kentucky 40515-8908, Phone (859) 271-1012.
29. Alan S. Windham, Professor, Plant Pathology, University of Tennessee, Soil, Plant & Pest Center, 5201 Marchant Drive, Nashville, Tennessee 37211.
30. Billy Pryor, Director, Risk Management Agency, Southern Regional Compliance Office.
31. Michael Hand, Deputy Administrator for Risk Compliance, Risk Management Agency.
32. Charles Curtis, State Representative, 43<sup>rd</sup> District, 120 General Jones Road,

Sparta, Tennessee.

33. Tim Hoffmann, Director, Product Administration and Standards Division of United States Department of Agriculture, Risk Management Agency, Beacon Facility, Mail Stop 0812, Post Office Box 419205, Kansas City, Missouri 64141-6205.
34. Jeff Virchow, National Claims Manager, Rural Community Insurance Services, 3501 Thurston Avenue, Anoka, Minnesota 55303-1060.
35. W. Alfred Dozier, Jr., Professor, Auburn University, College of Agriculture, Department of Horticulture, 101 Funchess Hall, Auburn, Alabama 36849-5408, Phone (834) 844-4862.
36. Ken Tilt, PhD, Auburn University, Extension Horticulturist, 101 Funchess Hall, Auburn University, Alabama 36849-5601, Phone (334) 844-4862.
37. Marsha Scott, Vice President and New Accounts Management, Homeland Community Bank, 900 North Chancery Street, Post Office Box 7318, McMinnville, Tennessee 37110, Phone (931) 507-1422.
38. Any and all witnesses and individuals listed by any of the Defendants in this action.
39. The Plaintiffs reserve the right to supplement this list of individuals and witnesses as additional individuals may be discovered during the discovery process in this action and as allowed by the Court in this action.

Each of the parties will have knowledge concerning all issues involved in this action, including

but not limited to the farms and nursery crops owned and raised by the Plaintiffs, the insurance policies applied for by the Plaintiffs, the application process and any conversations and discussions regarding such farms, crops, insurance policies and associated application processes. The individuals from NAU Country Insurance Company, the Federal Crop Insurance Corporation, the Risk Management Agency and the United States Department of Agriculture would have knowledge of the policies issued to the Plaintiffs, the claims made by the Plaintiffs, the value of such claims, the denial of coverage to the Plaintiffs and the reasons for such denial. The farm inspectors, insurance claim adjusters, agriculture professors and horticulture specialists listed would have knowledge regarding the Plaintiffs farms and crops, the damages to such farms and crops and the value of the Plaintiffs' insurance indemnity claims. The individuals listed who observed the damages to the Plaintiffs' farm and crops and the state representatives listed will have knowledge concerning the condition of the Plaintiffs' farm and crops and the damages to the Plaintiffs' farm and crops and similar farms and crops in the area.

B. Document, Data and Exhibit List:

1. USDA National Appeals Division Case Number 2007S000677 Administrative Record, Disks 1, 2 and 3 - filed of record in United States District Court - Eastern District of Tennessee at Winchester Civil Action No. 4:09-CV-65 by Defendants Federal Crop Insurance Corporation, Risk Management Agency and United States Department of Agriculture.
2. Hearing tapes (on CD) of the Prehearing Conference held on October 2, 2007 and of the hearing held by the National Appeals Division of the United States Department of Agriculture in Case No. 2007S000677 on February 21, 2008,

February 22, 2008 and February 25, 2008 - filed of record on Disk 1 of 3 in United States District Court - Eastern District of Tennessee at Winchester Civil Action No. 4:09-CV-00065 by Defendants Federal Crop Insurance Corporation, Risk Management Agency and United States Department of Agriculture - possibly to also include a written transcript of such hearing tapes, which have not yet been transcribed as of this date.

3. Adverse Decision/Denial Letter dated June 21, 2007 from United States Department of Agriculture, Risk Management Agency to Dusty Wanamaker and Skymont Farms.
4. Request for Appeal of Adverse Decision dated July 23, 2007 from Dusty Wanamaker and Skymont Farms to National Appeals Division of United States Department of Agriculture.
5. Letter dated July 16, 2007 from Micky Hall to National Appeals Division of United States Department of Agriculture.
6. Letter dated July 20, 2007 from National Appeals Division of United States Department of Agriculture to Micky Hall.
7. Notice of Rescheduled In Person Hearing issued by National Appeals Division of United States Department of Agriculture on December 6, 2007 by Hearing Officer Paul R. O'Bryan.
8. Letter dated November 21, 2007 from Tezra O. Woody, Deputy Assistant Director of Southern Regional Office of National Appeals Division of United

States Department of Agriculture to Skymont Farms.

9. Letter dated October 11, 2007 from Rock W. Davis, Director, Jackson Regional Office of United States Department of Agriculture, Risk Management Agency to Jack Kimes of United States Department of Agriculture, National Appeals Division enclosing list of agency documents submitted in the Agency record.
10. Notice of Rescheduled In-Person Hearing issued by Jack Kimes, National Appeals Division Hearing Office on October 16, 2007.
11. Prehearing Conference Report issued by Jack Kimes, Hearing Officer for National Appeals Division of United States Department of Agriculture on October 4, 2007.
12. Letter dated October 3, 2007 from Jack Kimes, Hearing Officer for National Appeals Division of United States Department of Agriculture to Mike Mossman of NAU Country Insurance Company.
13. Letter dated October 2, 2007 from Micky Hall to Jack Kimes, Hearing Officer for National Appeals Division of United States Department of Agriculture regarding exhibits for hearing.
14. Letter dated September 21, 2007 from Micky Hall to Jack Kimes, Hearing Officer for National Appeals Division of United States Department of Agriculture containing Prehearing Statement and Witness List.
15. Letter dated July 23, 2007 from Dusty Wanamaker to National Appeals



Division of United States Department of Agriculture, Regional Assistance  
Director.

16. New Hearing Officer Case Assignment dated July 27, 2007 from NADInfo to Jack Kimes, National Appeals Division Hearing Officer
17. Notice of Appeal and Request for Agency Record dated July 27, 2007 and signed by Tezra O. Woody, Deputy Assistant Director, United States Department of Agriculture, National Appeals Division.
18. Letter dated June 21, 2007 from Rock W. Davis, Director of Jackson Regional Office of United States Department of Agriculture, Risk Management Agency.
19. Nursery Loss Adjustment Standards Handbook, FCIC 25750.
20. Written opinion of Dr. Douglas Airhart dated July 12, 2006 regarding weather damage to nursery stock.
21. Report of Mark Halcomb, University of Tennessee Area Nursery Specialist, regarding hail damage to nursery plants dated June 27, 2006.
22. Memorandum of Dr. Douglas L. Airhart dated July 12, 2006.
23. Report of Acreage - FSA-578 Producer Print
24. FCIC Nursery Crop Insurance Underwriting Guide
25. Field Count of destroyed plants.
26. Field count of damaged plants.
27. Pictures of plant damage.
28. United States Department of Agriculture, Risk Management Agency, 2006

Nursery Crop Insurance Underwriting Guide for 2006 and Succeeding Insurance Years for Catastrophic (CAT) and Additional Coverage Nursery Crop Insurance Contracts.

29. Schedule F Federal Tax Forms for 2006 and 2007 for Dusty Wanamaker.
30. Check and Deposit Detailed Transaction List for 2006 and 2007 for Skymont Farms.
31. General Ledger Report from January 3, 2006 through March 6, 2008 for Skymont Farms' checking account.
32. Financial Summary Report for 2007 for Skymont Farms listing income and expenses by category.
33. Memo written by Grundy County FSA Office explaining why they had Anthony Wanamaker sign a blank application for disaster assistance and then did not use such application.
34. Appeal Determination issued by Paul R. O'Bryan, Hearing Officer, National Appeals Division of United States Department of Agriculture dated April 21, 2008.
35. Letter dated May 14, 2008 from Micky Hall to National Appeals Division of United States Department of Agriculture requesting a Director Review with Basis for Appeal enclosed.
36. Notice of Request for Director Review issued by Andree Marie Amos, Docket Clerk, for National Appeals Division of United States Department of

Agriculture dated May 13, 2008.

37. Un-dated letter from M. Terry Johnson, Deputy Director, National Appeals Division of United States Department of Agriculture addressed to Micky Hall upholding the National Appeals Division Hearing Officer's Determination.
38. Director Review Determination issued by M. Terry Johnson, Deputy Director of National Appeals Division of United States Department of Agriculture, dated June 26, 2008, upholding the Hearing Officer's Determination.
39. Application for Catastrophic Level Insurance dated September 30, 2005.
40. Letter dated August 9, 2007 from Rock W. Davis, Director, Jackson Regional Office of Risk Management Agency of United States Department of Agriculture to Jack Kimes at National Appeals Division of United States Department of Agriculture.
41. RMA Procedures, Handbooks, Bulletins and Informational Memos filed by United States Department of Agriculture, Risk Management Agency and Federal Crop Insurance Corporation with National Appeals Division of United States Department of Agriculture.
42. Nursery Loss Adjustment Standards and Large Loss Claims Procedures MGR-05-009 and 05-009.1 and Nursery Consultants MGR-06-011 and Informational Memo IS-07-009 filed with National Appeals Division of United States Department of Agriculture.
43. Nursery Catalog for Skymont Farms.

44. 2006 Nursery Plant Inventory Value Report.
45. 2006 Nursery Notice of Loss.
46. Nursery Loss Adjustment Standards Handbook for 2006 and Succeeding Crop Years issued by United States Department of Agriculture and Federal Crop Insurance Corporation.
47. 2006 Schedule of Insurance for Policy Number TN-507-6007722-06.
48. Multiple Peril Crop Insurance Certification Form issued by NAU Country Insurance Company on July 20, 2006.
49. Plant Inventory Value Report dated September 30, 2005.
50. Crop Inventory Valuation Estimate for 2006 and Succeeding Crop Years - Pricing printed on November 3, 2005.
51. Multiple Peril Crop Insurance Notice of Loss with indication of receipt on April 12, 2006.
52. Letter dated September 8, 2006 from Dusty Wanamaker to American Crop Insurance, a division of NAU Country Insurance.
53. Nursery Production Worksheet/Claim Form for crop year 2006 submitted by Dusty Wanamaker to NAU Country Insurance on August 3, 2006.
54. Nursery Appraisal Worksheet for April 7, 2006 damages dated August 3, 2006.
55. Letter dated September 21, 2006 from NAU Country Insurance Company to Dusty Wanamaker.

56. Letter dated October 12, 2006 from E. Heyward Baker, Director, USDA/RMA/Risk Management Services Division of United States Department of Agriculture to Dusty Wanamaker and Skymont Farms.
57. Dr. Douglas Airhart's verification and report of weather damages to Plaintiffs' crops dated July 12, 2006.
58. Letter dated October 7, 2006 from Dusty Wanamaker to E. Heyward Baker, Director, USDA/RMA/Risk Management Services Division of United States Department of Agriculture.
59. Letter dated October 26, 2006 from E. Heyward Baker, Director, USDA/RMA/Risk Management Services Division of United States Department of Agriculture to Dusty Wanamaker.
60. Letter dated October 31, 2006 from Dusty Wanamaker to E. Heyward Baker, Director, USDA/RMA/Risk Management Services Division of United States Department of Agriculture.
61. Letter dated November 7, 2006 from E. Heyward Baker, Director, USDA/RMA/Risk Management Services Division of United States Department of Agriculture to Dusty Wanamaker.
62. Letter dated November 13, 2006 from Dusty Wanamaker to E. Heyward Baker, Director, USDA/RMA/Risk Management Services Division of United States Department of Agriculture.
63. Letter dated November 28, 2006 from E. Heyward Baker, Director,

USDA/RMA/Risk Management Services Division of United States Department of Agriculture.

64. Federal Crop Insurance Corporation Policyholder Information Report dated October 5, 2006.
65. Report of Acreage for crop year 2006 for Skymont Farms dated July 10, 2006.
66. Report of Commodities - Farm Summary for crop year 2006 for Skymont Farms dated May 31, 2006.
67. Report of Commodities - Farm and Tract Detail Listing for crop year 2006 for Skymont Farms dated May 31, 2006 with attached topographic map/drawing of farm tracts.
68. Application/Transfer/Change and Cancellation Form dated September 13, 2004 regarding Anthony Wanamaker.
69. Schedule of Insurance- Production Certification-Nursery issued by Farmers Crop Insurance Alliance to Anthony Wanamaker for crop year 2005.
70. Nursery Underwriting Inspection Report for Skymont Farm and Bonita Farm signed by Certified Inspector Jeffrey A. Lawson and dated October 11, 2004.
71. Nursery Plant Inventory Value Report for crop year 2005 regarding Anthony Wanamaker dated September 1, 2004, signed by Insurance Agent Richard Mackie regarding Skymont Farm and Bonita Farm.
72. Crop Inventory Valuation Estimate for 2005 and Succeeding Crop Years -

Pricing regarding Skymont Farm.

73. Report of Commodities - Farm Summary for crop year 2004 for Travis Wanamaker dated May 26, 2004.
74. Report of Commodities - Farm and Tract Detail Listing for crop year 2004 for Travis Wanamaker dated May 26, 2004.
75. Payment Eligibility - Average Adjusted Gross Income Certification regarding Travis Wanamaker for crop year 2004.
76. Farm Operating Plan for Payment Eligibility - Review for an Individual for Travis Wanamaker for crop year 2005.
77. Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification regarding Travis Wanamaker for crop year 2004.
78. Crop Disaster Program Application of Travis Wanamaker dated May 9, 2005.
79. Nursery Production Worksheet for Great American Insurance Company signed by Travis Wanamaker on July 7, 2004.
80. United States Department of Agriculture - Farm Service Agency 2003-2005 Crop Disaster Program Statement of Calculated Payment Amounts - Producer Summary Report for Travis Wanamaker dated May 24, 2005.
81. Report of Acreage - Farm Summary for crop year 2003 for Anthony Wanamaker dated May 21, 2004.
82. Report of Acreage - Farm and Tract Detail Listing for crop year 2003 for Anthony Wanamaker dated May 21, 2004 with attached topographic

map/drawing of farm tracts.

83. Crop Disaster Program Application regarding Anthony Wanamaker for crop year 2003.
84. Highly Eroded Land Conservation (HELC) and Wetland Conservation (WC) Certification regarding Anthony Wanamaker for crop year 2005.
85. MPCl Withdrawal of Claim regarding Great American Insurance Company Policy Number 906809 regarding Catrenia Wanamaker, dated April 17, 2004.
86. Wanamaker/Grundy County 2003-2006 Crop Year Farm History Report.
87. Photos of damaged plants - contained on Disk 2 of 3 filed by Federal Crop Insurance Corporation, Risk Management Agency and United States Department of Agriculture as part of Administrative Record on Appeal in United States District Court - Eastern District of Tennessee at Winchester File Number 4:09-CV-65 and Adjustment Notes pertaining to particular plants/trees.
88. Hail Damage Survey of Bryson L. James dated July 7, 2006.
89. Nursery Production Worksheet and Nursery Appraisal Worksheet dated August 3, 2006, signed by Adjustor for NAU, not signed by Dusty Wanamaker.
90. Time line for Loss Adjustment Events and Adjustors produced by Risk Management Agency, Jackson Regional Office, stamped August 24, 2006.
91. Douglas Airhart's Evaluation of Damage By Hailstorm and Verification of



Weather Damage Report dated July 12, 2006, with attached pictures and notes.

92. Report/letter dated December 20, 2006 from Alan S. Windham, Professor of Plant Pathology, University of Tennessee Soil, Plant and Pest Center, with attached illustrations, pictures and notes.
93. Adjustor's Special Report to NAU Country Insurance Company, undated, with unrecognized signature, with attached notes, with Nursery Appraisal Worksheet, attached pictures and attached Nursery Production Worksheet.
94. Referral for Investigation of Dusty Wanamaker, Policy Number 6002792 Nursery Crop Loss Claim from E. Heywood Baker, Director, Risk Management Agency, Services Division to Billy Pryor, Director, Southern Regional Compliance Office through Michael Hand, Deputy Administrator for Risk Compliance.
95. Farmers Crop Insurance Alliance Schedule of Coverage for Travis Wanamaker issued on October 14, 2004.
96. Schedule of Insurance/Production Certification - Nursery issued by Farmers Crop Insurance Alliance to Dusty Wanamaker for crop year 2005.
97. Nursery Plant Inventory Value Report for Dusty Wanamaker dated September 1, 2004, signed by Agent Richard Mackie.
98. Farmers Crop Insurance Alliance Schedule of Coverage issued to Dusty Wanamaker on May 5, 2004.

99. Multiple Peril Crop Insurance Application/Cancellation and Transfer Form regarding Great American Policy Number 906809 regarding Dry Shave Mountain Nursery, signed by Catrenia Wanamaker and Agent Richard Mackie on August 30, 2002.
100. Multiple Peril Crop Insurance Nursery Underwriting Inspection Report regarding Anthony Wanamaker and Dry Shave Mountain Nursery for crop year 2004.
101. Nursery Plant Inventory Value Report for crop year 2004 signed by Anthony Wanamaker and Agent Richard Mackie on September 18, 2003.
102. Adjustor's Special Report for Great American Insurance Company dated November 18, 2004 regarding Policy Number 906809, signed by Adjustor Ronnie Via.
103. Plant Inventory Value Report (PIVR) for Farmers Crop Insurance Alliance, signed by Dusty Wanamaker and Insurance Agent Suzanne North on November 8, 2005 regarding crop year 2006.
104. Multiple Peril Crop Insurance Application/Cancellation and Transfer and Perennial Acreage Report Form for American Crop Insurance, a Division of NAU Country Insurance Company, for Skymont Farms, signed by Dusty Wanamaker and Insurance Agent Suzanne North on November 8, 2005.
105. Letter dated August 15, 2005 from Farmers Crop Insurance Alliance.
106. Schedule of Insurance for Policy No. TN-507-6007722-06 from American

Crop Insurance, a Division of NAU Country Insurance Company, for Dusty Wanamaker and Skymont Farms for crop year 2006.

107. Confirmation and Change Form for Policy No. TN-507-6007722-06 from American Crop Insurance, a Division of NAU Country Insurance Company, to Dusty Wanamaker and Skymont Farms regarding crop year 2006.
108. United States Department of Agriculture, Federal Crop Insurance Corporation, Nursery Crop Provisions, Form 06-073 and Summary of Changes for the Nursery Crop Provisions (Form 06-073).
109. Multiple Peril Crop Insurance, Common Crop Insurance Policy, Terms and Conditions, Basic Provisions, Form 2005-NCIS 700B.
110. Summary of Changes for the Catastrophic Risk Protection Endorsement (Form 05-CAT) and Department of Agriculture, Federal Crop Insurance Corporation, Catastrophic Risk Protection Endorsement, Terms and Conditions (Form 05-CAT).
111. Letter dated August 11, 2005 from Farmers Crop Insurance Alliance to Dusty Wanamaker regarding crop insurance endorsements for 2006.
112. Special Provisions of Insurance for 2006 and Succeeding Crop Years, with County Actuarial Tables, for Warren County, Tennessee, dated August 11, 2005 pertaining to Dusty Wanamaker.
113. Summary of Changes for Nursery Crop Provisions (Form 06-073) and United States Department of Agriculture, Federal Crop Insurance Corporation,

Nursery Crop Provisions (Form 06-073).

114. Multiple Peril Crop Insurance Nursery Crop Provisions (Form 2006-NCIS 782).
115. Multiple Peril Crop Insurance Nursery Crop Provisions (Form 2006-NCIS 782).
116. Report of Acreage for Skymont Farms for crop year 2006 dated May 31, 2006.
117. Report of Commodities - Farm Summary for Skymont Farms for crop year 2006 dated May 31, 2006.
118. Report of Commodities - Farm and Tract Detail Listing for Skymont Farms for crop year 2006 dated May 31, 2006, with topographic map and drawings regarding farm tracts.
119. Additional pictures of Skymont Farm Nursery, trees and plants contained on Disk 2 of 3 filed by Federal Crop Insurance Corporation, Risk Management Agency and United States Department of Agriculture in the Court Record of United States District Court - Eastern District of Tennessee at Winchester File No. 4:09-CV-65.
120. Letter dated July 3, 2007 from Tim Hoffmann, Director, Product Administration and Standards Division of United States Department of Agriculture, Risk Management Agency, Beacon Facility, Kansas City to Jeff Virchow, National Claims Manager, Rural Community Insurance Services.

121. Letter/Report dated August 13, 2007 from W. Alfred Dozier, Jr., Professor, Auburn University, College of Agriculture, Department of Horticulture to Regional Assistance Director of National Appeals Division of United States Department of Agriculture, with attached notes and exhibits.
122. Affidavit of James I. Eisler, Plant Inspector and Middle Tennessee Supervisor for Tennessee Department of Agriculture, dated October 4, 2007.
123. Letter dated January 2, 2007 from Dusty Wanamaker to E. Heyward Baker, Director, USDA/RMA/Risk Management Services Division and the attachment and enclosures to such letter.
124. Nursery Crop Consultant's written opinion provided by Douglas L. Airhart, PhD, dated December 28, 2006 and December 29, 2006 and the attached notes made and used by Dr. Airhart.
125. Letter/Report of Ken Tilt, PhD, Extension Horticulturist at Auburn University dated December 21, 2006 and the pictures and illustrations attached to such letter/report.
126. Report/letter of Alan S. Windham, Professor of Plant Pathology at the University of Tennessee, Soil, Plant and Pest Center dated December 20, 2006 and the pictures, illustrations and notes attached to such letter and report.
127. Dusty Wanamaker's Schedule F (Form 1040) Profit or Loss From Farming for 2006 and 2007.
128. Custom Transaction Detail Report for Skymont Farms for 2006 and 2007.

129. General Ledger for Skymont Farms beginning on January 1, 2006 through February 23, 2008.
130. Custom Summary Report for Skymont Farms for January through December 2007.
131. Summary of Changes for Peach Crop Provisions (Form 01-034) and Department of Agriculture, Federal Crop Insurance Corporation, Peach Crop Provisions (Form 01-034).
132. Summary of Changes for the Fresh Market Tomato (Dollar Plan) Crop Provisions (Form 99-086) and United States Department of Agriculture Federal Crop Insurance Corporation Fresh Market Tomato (Dollar Plan) Crop Provisions (Form 99-086).
133. Summary of Changes for the Cranberry Crop Provisions (Form 99-058) and the United States Department of Agriculture Federal Crop Insurance Corporation Cranberry Crop Provisions (Form 99-058).
134. Summary of Changes for the Pear Crop Provisions (Form 01-089) and the United States Department of Agriculture Federal Crop Insurance Corporation Pear Crop Provisions (Form 01-089).
135. Summary of Changes for the Plum Crop Provisions (Form 01-092) and the United States Department of Agriculture Federal Crop Insurance Corporation Plum Crop Provisions (Form 01-092).
136. Summary of Changes for the Raisin Crop Provisions (Form 98-037) and the

United States Department of Agriculture Federal Crop Insurance Corporation  
Raisin Crop Provisions (Form 98-037).

137. Summary of Changes for the Fresh Market Sweet Corn Crop Provisions (Form 99-044) and the United States Department of Agriculture Federal Crop Insurance Corporation Fresh Market Sweet Corp Crop Provisions (Form 99-044).
138. Letter dated February 26, 2008 from Marsha Scott, Vice President and New Accounts Manager at Homeland Community Bank regarding ownership of Skymont Farms.
139. Closing Argument of Attorney Micky Hall submitted with a letter dated April 1, 2008 from Attorney Micky Hall to Paul O'Bryan at United States Department of Agriculture, National Appeals Division regarding NAD Case Number 2007S000677 on behalf of Dusty Wanamaker.
140. Letter dated March 10, 2008 from Rock W. Davis, Director, Jackson Regional Office of United States Department of Agriculture Risk Management Agency to Paul R. O'Bryan at United States Department of Agriculture, National Appeals Division.
141. Letter/Closing Statements dated March 31, 2008 from Rock W. Davis, Director, Jackson Regional Office, United States Department of Agriculture, Risk Management Agency to Paul R. O'Bryan of United States Department of Agriculture, National Appeals Division and attachment regarding Wanamaker

Farm history.

142. Pictures contained on Disk 3 of 3 filed by Federal Crop Insurance Corporation, Risk Management Agency and United States Department of Agriculture in the Court Record in United States District Court - Eastern District of Tennessee at Winchester File Number 4:09-CV-65.
143. Any and all documents contained in the Summitville Crop Insurance Agency paper files and electronic/computer file(s) and such files of Defendants Suzanne North, Cindy Anderson and Richard Mackie regarding any of the Plaintiffs, the farms owned by the Plaintiffs, policies applied for by the Plaintiffs and policies issue to the Plaintiffs
144. Any and all pleadings, Orders and exhibits filed of record in United States District Court - Eastern District of Tennessee at Winchester Case Number 4:09-CV-65.
145. Any and all exhibits, documents, data compilations and other items listed by any of the Defendants in this action.
146. The Plaintiffs reserve the right to supplement this list of exhibits, documents, data compilations and other items as such other items may be discovered during the discovery process in this action and as allowed by the Court in this action

C. Computation of Damages:

1. A damage loss of \$5,102,314.00 with an occurrence deduction of \$2,909,607.00 equaling an indemnity claim of **\$1,205,989.00** (See Nursery



Production Worksheet/Claim Form dated August 3, 2006) plus interest.

2. Attorneys fees, costs and expenses and court costs incurred in this action - amount is still accruing.

D. Insurance Agreements:

1. Errors and Omissions Insurance Policy or Policies providing coverage for Suzanne North, Cindy Anderson, Richard Mackie and/or Summitville Crop Insurance Agency - coverages, policy numbers and policy limits are known to the Defendants and are unknown to the Plaintiffs at this time.

Respectfully submitted by:

WHITE PECK CARRINGTON, LLP  
26 Broadway  
Post Office Box 950  
Mt. Sterling, Kentucky 40353  
Telephone: (859) 498-2872  
Facsimile: (859) 498-2877  
Email: sneal@whitepeckcarrington.com  
ATTORNEYS FOR PLAINTIFFS

By: /s/ Stephen E. Neal

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served via the Court's ECF System upon the following:

Hon. Charles E. Moody  
Hall, Booth, Smith & Slover, PC,  
The Tower Suite 3000  
611 Commerce Street

Nashville, Tennessee 37203  
email: [cmoody@hbss.net](mailto:cmoody@hbss.net)  
ATTORNEY FOR DEFENDANTS  
SUZANNE NORTH, CINDY ANDERSON  
AND SUMMITVILLE CROP  
INSURANCE AGENCY

Hon. James E. Looper, Jr.  
Hall, Booth, Smith & Slover, P.C.  
The Tower Suite 3000  
611 Commerce Street  
Nashville, Tennessee 37203  
email: [jlooper@hbss.net](mailto:jlooper@hbss.net)  
ATTORNEY FOR DEFENDANTS  
SUZANNE NORTH, CINDY ANDERSON  
AND SUMMITVILLE CROP  
INSURANCE AGENCY

Hon. Gregory W. Callaway  
Howell & Fisher, PLLC  
300 James Robertson Parkway  
Court Square Building  
Nashville, Tennessee 37201-1107  
email: [gcallaway@howell-fisher.com](mailto:gcallaway@howell-fisher.com)  
ATTORNEY FOR DEFENDANT  
RICHARD MACKIE

on this the 4th day of December, 2009.

By: /s/ Stephen E. Neal